

UNITED STATES DISTRICT COURT

for

MIDDLE DISTRICT OF GEORGIA - COLUMBUS

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

FILED
JULY 11 AM 11:06
2010

Name of Offender: Mary R. Mills

Case Number: 4:09-MJ-250-001

Name of Sentencing Judicial Officer: United States Magistrate Judge G. Mallon Faircloth

Date of Original Sentence: November 19, 2009

Original Offense: Theft - 18 U.S.C. § 641

Original Sentence: Twelve mos. probation; \$25.00 special assessment (\$25.00 balance); \$25.00 processing fee (\$25.00 balance); \$350.00 fine (\$350.00 balance)

Type of Supervision: Probation

Date Supervision Commenced: November 19, 2009

PETITIONING THE COURT

[X] To modify the conditions of supervision as follows:

The defendant shall pay the entire balance of the monetary obligation at the rate of no less than \$60.00 per month, due by the third day of each month beginning in March 2010. The Court imposed payment schedule shall not prevent statutorily authorized collection efforts by the United States Attorney. The defendant shall cooperate fully with the United States Attorney and the United States Probation Office to make payment in full as soon as possible.

The defendant has waived her right to a hearing and counsel.

CAUSE

The Fifth Circuit concluded it was not permissible for the Court to delegate to the United States Probation Office the authority to establish a payment schedule for any court-ordered financial obligations. *United States v. Albro*, 32 F.3d 173 (5th Cir.1994).

The offender has not complied with the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1	The defendant violated the Mandatory Condition which requires the defendant to pay the fine in accordance with the Schedule of Payments sheet of the judgment; in that on or about February 19, 2010, the defendant had not paid any monies toward the \$400.00 monetary penalty balance owed to the Court as directed by the judgement.

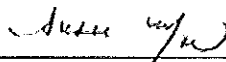
The defendant will have the balance paid in full prior to the end of supervision if she complies with the \$60.00 a month payment schedule.

Approved by:



LA DONNA JACKSON REYNA
Supervising U.S. Probation Officer

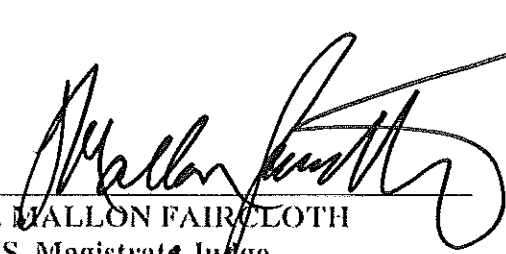
Respectfully submitted,



SUSAN MOORE
U.S. Probation Officer
Date: April 14, 2010

THE COURT ORDERS:

- ☐ No action
- ☒ The modification of conditions as noted above
- ☐ Other



G. MALLON FAIRCLOTH
U.S. Magistrate Judge

5/7/10
Date